



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of

Inventors: Tatau NISHINAGA

Art Unit: 1765

Application No.: 09/511,912

Examiner: M. Anderson

Filed: February 23, 2000

For: A METHOD FOR FORMING A SINGLE CRYSTALLINE FILM

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner of Patents
Washington, DC 20231

Dear Sir:

In response to the Election of Species Requirement dated June 28, 2001, the applicant hereby elects Species A, with traverse. Claims 1-6 and 11-16 are directed to the elected species. Claim 1 and 2 are generic.

The Applicant respectfully requests withdrawal of the Election of Species Requirement. No unduly extensive or burdensome search would be required to examine the claims of the various species in the same application. MPEP §803 states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions."

In the present case, the search for all pending claims together would not be burdensome, since the fields of search would likely overlap and pertinent art to the claims of the identified species would likely be found while searching each of the inventions

48
8/2/01
MW
RECEIVED
AUG 01 2001
TC 1700

individually.

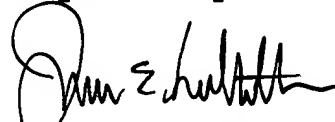
Moreover, from the standpoint of costs to the applicant involved in filing, issuance and maintenance fees relating to separate applications if the present requirement were maintained, it is clear that there is substantially more burden on the Applicant by imposing the present requirement than on the Patent Office if the requirement were withdrawn.

In addition, it is noted that to require the claims of the various species to issue in separate patents would result in inconvenience to the public by necessitating reference to more than one patent during searching, in order to review closely related subject matter.

Therefore, withdrawal of election requirement is warranted.

Reconsideration and withdrawal of the election requirement are respectfully requested.

Respectfully submitted,



James E. Ledbetter
Registration No. 28,732

Date: July 30, 2001

JEL/ejw
ATTORNEY DOCKET NO. JEL 31015
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, NW, Suite 850
P.O. Box 34387
Washington, DC 20043-4387
Telephone: (202) 785-0100
Facsimile: (202) 408-5200